

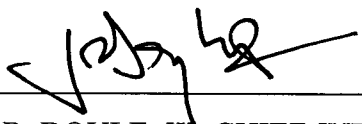
VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF NORFOLK

ORDER

By Order of the Chief Judge of the Norfolk Circuit Court, the attached Policy for the Collection of Unpaid Fines and Court Costs—attached hereto and incorporated by reference—is hereby implemented and effective starting July 1, 2015.

It is so ORDERED.

ENTERED: July 1, 2015



JOHN R. DOYLE, III, CHIEF JUDGE

POLICY FOR THE COLLECTION OF UNPAID FINES AND COURT COSTS

(Effective July 1, 2015)

1. Purpose

To facilitate the payment of fines, court costs, penalties, restitution, and other financial responsibilities assessed against defendants convicted of a criminal or traffic infraction; to collect the monies due to the Commonwealth and localities as a result of these convictions; and to assure payment of court-ordered restitution to victims of crimes.

2. Policy

The collection process and policy outlined herein apply to court-ordered “fines, court costs, forfeitures, restitution, and penalties.” *Code of Virginia* §46.2-395. References to “fines and costs” in this policy include reference to all other types of financial responsibilities assessed against defendants convicted of a criminal or traffic infraction, except restitution owed to the victim of a crime.

A. Generally

1. Pursuant to §19.2-354 of the *Code of Virginia*, if a defendant is unable to make payment of fines and costs or restitution within 30 days of sentencing, the Court shall order the defendant to pay such financial obligation in deferred or installment payments. The Court therefore will not issue blanket refusals to enter into such time-to-pay agreements with defendants.
2. This Court allows deferred and installment payment plans. *Code of Virginia* §19.2-354(A).
3. This Court considers the specific financial conditions of a defendant when determining the conditions of a deferred or an installment payment plan. *Code of Virginia* §19.2-355.
4. Eligibility for payment agreements is not restricted based on the type of offense or the nature of the financial obligation. All unpaid fines and costs or restitution of whatever source or type, are eligible.
5. A defendant with unpaid fines and costs or restitution in more than one court need to pay or establish payment plans with respect to each court in order to remove any suspension of their driving privileges. Accordingly, this Court will consider a defendant’s other obligations in determining the amount needed for down payments and installment payments.

6. A defendant need not pay a down payment if the payment plan is for deferred payments.
7. A defendant may be required to pay a down payment for an installment plan. If a defendant needs to pay a down payment for an installment plan, the amount of the down payment shall be a minimal amount calculated to facilitate entry into a plan.
8. No blanket prohibition exists that bars a defendant in default from seeking entry into a new payment plan. *Code of Virginia* §46.2-395(B).
9. No driver's license suspension shall occur—merely as a result of a defendant's participation in an agreement under §19.2-354 of the *Code of Virginia*—so long as the defendant is in good standing on a deferred or installment payment plan. *Code of Virginia* §46.2-395(B).
10. A defendant whose fines and costs have been referred to the collections process under §19.2-349 of the *Code of Virginia* nevertheless shall be eligible to enter into an initial or subsequent payment plan with the Court.
11. The driver's license of a defendant shall remain suspended until fines and costs and restitution have been paid in full. The Court shall, however, restore a defendant's driver's license if the defendant, after having his license suspended, pays the reinstatement fee to the Department of Motor Vehicles and enters into an agreement under §19.2-354 of the *Code of Virginia* that is acceptable to the Court to make deferred payments or installment payments of unpaid fines and costs and restitution as ordered by the Court. The Court will not require a defendant to establish a payment history on a subsequent payment plan before restoring the defendant's driver's license.

B. Community Service Program Pursuant to §19.2-354(C) of the *Code of Virginia*

1. A defendant with unpaid fines and costs, regardless of whether the account is delinquent, may ask the Court for the option of discharging all or part of the fines and costs by performing community service.
2. If a defendant has more than one delinquent account, the defendant may only apply to discharge the fines and costs in one delinquent case at a time. After such fines and costs have been discharged, the defendant may apply to discharge the fines and costs for another delinquent account.
3. The Court must receive written verification from the agency for which a

defendant intends to perform community service indicating that: (i) such agency has approved of such community service, (ii) the number of hours the defendant intends to work, and (iii) the type of service the defendant will be providing. Any change of the community service agency will require a new written verification from the agency and, if approved, a new Court Order. Absent extenuating circumstances, all community service should take place within the City of Norfolk.

4. Upon approval by a judge of this Court, the Court will enter an Order specifying that the defendant is permitted to discharge the fines and costs by performing community service. If denied, the defendant shall be notified accordingly.
5. To receive credits against fines and costs, the Clerk's Office must receive written certification from the agency of the dates and the number of hours worked. Upon receiving such certification, the Clerk shall credit the defendant's account accordingly. The credit will be calculated at the federal minimum wage at the time the community service is performed.
6. A defendant ordered to perform a specific number of community service hours as a condition of a Court-ordered sentence or required by a statewide program shall not be able to apply those hours to fines and costs.
7. The option of performing community service applies only to the discharge of fines and costs and not to the reinstatement of a suspended license for failure to pay fines and costs; this is because §46.2-395(B) of the *Code of Virginia* requires the defendant to enter into a deferred or installment payment agreement that is acceptable to the Court.

C. Effective Date

This Collections Policy is effective July 1, 2015.